IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 25161 of 2006(U)

PETITIONERS:

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1. DR.M.G.BIJU, S/O.MUKUNDAN NAIR,
AGED 30, LECTURER IN COMMERCE,
M.P.M.M. S.N.TRUST COLLEGE, SHORANUR.

2. A.D.RAJEEV KUMAR, S/O.DAMODHARAN,
AGED 32, LECTURER IN COMMERCE,
M.P.M.M. S.N.TRUST COLLEGE, SHORANUR.

3. MRS.ELVIN PAUL KONNATTU,
LECTURER IN COMMERCE, DO. DO.

4. MANJU S.V. DO, DO.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENTS:

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1. THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, THRISSUR.

3. THE SUB TREASURY OFFICER, SHORANUR.

4. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

ADDL.R5. THE MANAGER, SREE NARAYANA TRUSTS, CORPORATE OFFICE, P.B. NO.63, KOLLAM - 691 001.

(ADDL.R5 IS IMPLEADED AS PER ORDER ON IA NO.13443/06 DT. 29.9.2006)

R1 TO R3 BY GOVERNMENT PLEADER (SMT. M. R. SREELATHA)

ADDL.R5 BY ADV. SHRI A. N. RAJAN BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO.25161 OF 2006 U

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE CERTIFICATE ISSUED BY THE MANAGER, S. N. TRUST.

EXT.P2 TRUE COPY OF THE JUDGMENT DATED 31.3.2006 IN WP (C) NO.29117/05 OF THIS HONOURABLE COURT.

EXT.P3 TRUE COPY OF THE JUDGMENT DATED 23.5.2006 IN WP (C) NO.29021/05 OF THIS HONOURABLE COURT.

EXT.P4 TRUE COPY OF THE ORDER OF DECLARATION OF PROBATION OF 1ST PETITIONER BY THE MANAGER, S. N. TRUST DATED 21.7.2006.

EXT.P5 TRUE COPY OF THE ORDER OR DECLARATION OF PROBATION OF 2ND PETITIONER BY THE MANAGER, S.N. TRUST DATED 21.7.2006.

EXT.P6 TRUE COPY OF THE ORDER OF DECLARATION OF PROBATION OF 3RD PETITIONER BY THE MANAGER, S. N. TRUST DATED 21.7.2006.

EXT.P7 TRUE COPY OF THE ORDER OF DECLARATION OF PROBATION OF 4TH PETITIONER BY THE MANAGER, S.N. TRUST DATED 21.7.2006.

EXT.P8 TRUE COPY OF INSTRUCTION OF THE 2ND RESPONDENT TO THE THIRD RESPONDENT DATED 16.11.2006.

// TRUE COPY //

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 25161 OF 2006 U

Dated this the 12th December, 2006

JUDGMENT

Case of the petitioners, in brief, is as follows:

Petitioners were appointed by the Manager, Sreenarayana Trust as Junior Lecturers and their appointments were approved by the Calicut University. Writ Petitions were filed when salary was withheld. This Court by Exts.P2 and P3 Judgments directed the matter to be considered. Pursuant to the same, it is the case of petitioners, that salary has been paid with effect from May, 2006. However, complaint of petitioners is that arrears of salary due to them from the date of their appointment are not paid. Petitioners rely on Ext.P8 where the amount has been paid to a similarly situated person. Learned Government Pleader is unable to resist the prayer for payment of arrears of salary in the light of the payment effected to similarly situated person as evident from Ext.P8.

Also, it is to be noted that it is pursuant to Exts.P2 and P3 that they were paid salary from May, 2006. If it is found that they are entitled to salary from May, 2006, it is difficult to understand how the petitioners can be denied arrears of salary on the basis of their appointment. It is submitted by learned Government Pleader that though earlier the salary bills of petitioners were not being presented, the salary bills covering the period from the date of their appointment till the date on which the amounts have already been paid, have been presented before the second respondent, Deputy Director. In such circumstances, the Writ Petition is disposed of directing the second respondent to do the needful within ten days from the date of receipt of a copy of this Judgment. The arrears of salary due to petitioners will be disbursed within one week thereafter.

Kbk. **K. M. JOSEPH, JUDGE**